

Just for the record, I AM NOT of the the "dot com millionaires" that Mr. Lelyveld of Disney despises so. I am just a normal guy who makes a living on intellectual property (software development).

The broadcast flag would, first and foremost, have a chilling effect on free speech by making fair uses of copyrighted works (for research, commentary, parody, etc.) illegal under the DCMA (the flag being a protection device under that law).

In addition, whereas the home user's right to time-shift and archive programming has been upheld for nearly two decades (Sony Corp. v. Universal City Studios, 1984), such a broadcast flag would render PVR (ReplayTV/TiVo) technology illegal. These large corporations use OUR AIRWAVES, track wires through OUR BACKYARDS and right-of-ways, and take up limited beaming locations in OUR SKY. They are, in effect, localized and publicly-permitted monopolies.

I can't trample through your yard, hoist a lemonade stand on it, charge you for a drink, and then force you to drink it all right then, right there as I blast advertisements in your ear. Yet, these comanies have licenses granted by your agency to use our resources, and still force us to enjoy their product exactly when and how they feel like it.

In the end, comsumers should decide what they buy, when they enjoy it, and how they use it. Existing copyright laws are sufficient to protect these companies from true piracy, new "features" like this broadcast flag would make non-infringing uses illegal and will only hurt the average consumer who desires privacy and flexibility in enjoying the entertainment they pay good money for. The flag itself (as proposed) could be easily bypassed by pirates, as can *ANY* encryption technology given pirates with enough financial incentive to do so.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.